

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.

TIMOTHY DUELL,)



Case No.

1:23-MJ-577(CFH)

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)
Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of February 2023 – July 2023, in the county of Schenectady in the Northern District of New York, the defendant violated:

Code Section

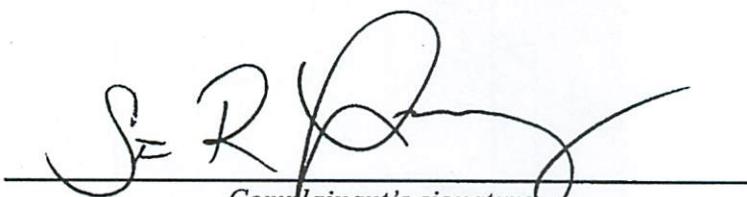
Offense Description

18 U.S.C. § 2252A(a)(2)(A)

Receipt of child pornography

This criminal complaint is based on these facts:
See attached affidavit

Continued on the attached sheet.

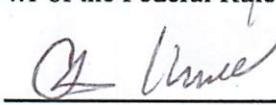


Complainant's signature
Steven R. Lansing, HSI Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: October 13, 2023



Judge's signature

City and State: Albany, NY

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

(420) MTE-IM-831

WITNESS STATEMENT

I, [REDACTED], do hereby state and declare under oath that I am the author of the attached document, which is a copy of my original statement made to the FBI on [REDACTED] at [REDACTED].

[REDACTED]

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Steven Lansing, being first duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the US Immigration and Customs Enforcement Office of Homeland Security Investigations ("HSI") and have been since August 2020. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). I have been a law enforcement officer for 8 years. I was a police officer for approximately 5 years and have been a Special Agent for 3 years. Prior to becoming a Special Agent, I was a police officer in the state of New York from March 2016 until August 2020.

2. The facts set forth in this affidavit are based on my personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described here, and information gained through my training and experience. I have set forth only the facts and circumstances that I believe are necessary to establish probable cause to believe that Timothy Duell has violated 18 U.S.C. § 2252A(a)(2)(A) (receipt of child pornography).

PROBABLE CAUSE

3. On July 28, 2023, your affiant began a child pornography investigation resulting in the arrest of Joshua White and Kristy Koldis for certain child pornography offenses. The criminal complaint against White and Koldis, along with the supporting affidavit, is attached here as Exhibit A and incorporated by reference.

4. Among other things, during the investigation of White and Koldis I obtained evidence from White's cellular telephone reflecting that he used it to send MMS/SMS messages, using a cellular network, to a cellular telephone owned by Duell's employer and assigned to Duell, including the following:

- a. Image sent on 02/15/2023 1:27:49 PM: Depicts a 10-12-year-old female child (identified as V-1) standing fully naked. The photo is from the front and shows the child's vagina and pubic hair.
- b. Image sent on 06/28/2023 09:09:17 PM: Depicts 10-12-year-old female child (identified as V-1) on her stomach. The child's vagina is the focal point of the image which was taken from the end of the bed near her legs.
- c. Image sent on 07/11/2023 12:24:12 PM: Depicts a female child approximately 8-12 years old lying in bed. The picture is from the waist down with the child's legs brought up to her chest and has her arms wrapped around her legs. The focal point of the photo is the child's vagina and anus.

5. Based on the foregoing and other information, I obtained a federal search warrant for Duell's residence, person, vehicle, and the electronic devices found therein and thereon to look for evidence of violations of 18 U.S.C. § 2252A(a)(2)(A) (receipt of child pornography).

6. On October 13, 2023, your affiant, along with HSI Albany and New York State Police, executed that warrant.

7. Law enforcement encountered Duell, seized two cellular telephones from his person, and transported him to a barracks for an interview.

8. In a *Mirandized* and video and audio recorded interview, Duell admitted to knowing someone named "Len," an alias used by White. Duell further admitted to receiving illicit photos

of "Len's" daughter (*i.e.*, V-1). Duell stated that the photos he received from "Len" included photos of "Len's" daughter's vagina and breasts. Duell said that he thought V-1 was 16 to 17 years old. A Special Agent asked Duell to confirm that he knew "Len's" daughter was under 18 years old, and he stated yes.

9. During a forensic preview of Duell's work-assigned cellular telephone (the one to which White sent the child pornography depicting V-1), thumbnail images of child pornography depicting V-1 were identified. Some of the thumbnails matched the images known to have been sent from White's device via MMS/SMS, as summarized above. Below are descriptions of some of the thumbnails recovered on the phone seized from Duell's person on today's date, which thumbnails are available for the Court's review upon request:

- a. MD5 Hash c357f888b7c584ee84b1eff9ad6ba246: Depicts a 10-12-year-old female child (identified as V-1) on her stomach. The child's vagina is the focal point of the image which was taken from the end of the bed near her legs.
- b. MD5 Hash 23769749d02b7da438b05eb250232058: Depicts a 10-12-year-old female child (identified as V-1) laying on a bed fully naked. The photo is of the child from the chest down. The photo depicts the female child fully naked with her legs spread apart exposing her vagina. The child's arms appear to be resting on her thighs.

CONCLUSION

10. Based on the foregoing, there is probable cause to believe that Duell has violated 18 U.S.C. § 2252A(a)(2)(A) (receipt of child pornography).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Steven Lansing
Special Agent
Homeland Security Investigations

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on October 13, 2023, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

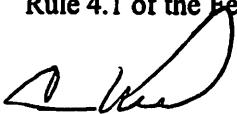

Hon. Christian F. Hummel
U.S. Magistrate Judge

Exhibit A

AO 91 (Rev. 11/11) Criminal Complaint

U.S. DISTRICT COURT - N.D. OF N.Y.	
FILED	
AUG 25 2023	
AT _____ O'CLOCK	
John M. Donorad, Clerk - Albany	

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

JOSHUA WHITE and KRISTY KOLDIS,)

Case No. 1:23-MJ-470 (CCF)

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Defendants.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 22, 2023, through July 28, 2023 in the county of Albany in the Northern District of New York the defendant violated:

Code Section
 18 U.S.C. § 2252A(a)(2)(A) (As to White)
 18 U.S.C. § 2252A(a)(5)(B) (As to White)
 18 U.S.C. § 2251(a) (As to Koldis)

Offense Description
 Distribution of Child Pornography
 Possession of Child Pornography
 Sexual Exploitation of a Child

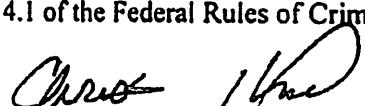
This criminal complaint is based on these facts:
 See attached affidavit

Continued on the attached sheet.


SA J-R L
 Complainant's signature
 Steven Lansing, Special Agent HSI
 Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 8/25/23


C. F. Hummel
 Judge's signature
 Hon. Christian F. Hummel, U.S. Magistrate Judge
 Printed name and title

City and State: Albany, New York

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Steven Lansing, being first duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the US Immigration and Customs Enforcement Office of Homeland Security Investigations ("HSI") and have been since August 2020. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). I have been a law enforcement officer for 8 years. I was a police officer for approximately 5 years and have been a Special Agent for 3 years. Prior to becoming a Special Agent, I was a police officer in the state of New York from March 2016 until August 2020.

2. I have been investigating Joshua White for violating 18 U.S.C. § 2252A(a)(2)(A) (distribution of child pornography) and (a)(5)(B) (possession of child pornography) and Kristy Koldis for violating 18 U.S.C. § 2251(a) (sexual exploitation of a child).

3. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described here, and information gained through my training and experience. I have set forth only the facts and circumstances that I believe are necessary to establish probable cause to believe that White has violated 18 U.S.C. § 2252A(a)(2)(A) and (a)(5)(B) and that Koldis has violated 18 U.S.C. § 2251(a).

PROBABLE CAUSE

4. On July 28, 2023, your affiant received a telephone call from an HSI Special Agent working in a different area of responsibility concerning a child exploitation investigation. He told me that his office was conducting an undercover operation on a social media messaging application. He further explained that, on or about June 22, 2023, a user on that application (now believed to be White for reasons set forth below) had sent an undercover investigator posing as the father of a child three images of child erotica depicting a child that the user claimed to have access to through his girlfriend (now believed to be Koldis for reasons set forth below). Those child erotica images depicted the child (now identified as V-1 as further described below) unclothed but do not necessarily qualify as child pornography. The user, however, claimed that he had additional images and implied that were more revealing.

5. Law enforcement issued subpoenas to the social media messaging company and to Verizon, and the responsive records associated the IP address involved in the social media exchanges with the undercover investigator to, among other potential locations, Koldis's residence in Latham, New York.

6. Investigators consensually interviewed Koldis two times at her residence on July 28, 2023. The second interview was recorded. Over the course of the two interviews, Koldis eventually admitted that the three erotica images depicted V-1, a minor female known to Koldis. Koldis said that she and White took the images because White has a fetish.

7. Investigators also consensually interviewed White the same day at the police station, and that interview was recorded. Among other things, White admitted that the child depicted in the erotica images sent via the social media messaging application depicted V-1, said

he did not know the last time he had viewed child pornography, and said that he had a problem. White also consented to a search of his cellular telephone, a Samsung smartphone.

8. Subsequent forensic examination of White's cellular telephone resulted in the identification of approximately 12 video and 100 image files that, in my training and experience, are child pornography within the meaning of federal law. Metadata reflected that some of the files had apparently been deleted by White on July 28, 2023, presumably when he became aware of the investigation and prior to him arriving at the police station for his interview. I also observed the three images of child erotica depicting V-1 sent to the undercover social media account described above. The description of some of the child pornography video files, which are available for the Court's review upon request, are below:

- a. (595e35d7b23cb51bd99db0e272d87d7218dd4e630e40cb6644e84a573fed957).
0)-date modified: 7/3/2023 3:59:27 PM (UTC): V-1 (then approximately 10 to 14 years old) nude from the waist down with her vagina exposed in a lewd and lascivious fashion.
- b. 503fc99d-d98c-4ace-876d-2760a41f9be3.jpg: last modified 02/01/2023 09:09:24 PM: V-1 (then approximately 10-14 years old) naked laying on a bed with her middle finger pressed against her side pointing towards her vagina. The child's legs are spread, and her vagina is exposed.
- c. 6444d449-ff82-4e99-8b02-e1e31e61dc1.jpg: last modified 2/26/2023 1:19:38 PM (UTC): V-1 (then approximately 10-14 years old) naked laying down on a bed. She has a blanket over her top half of her body, and her face has been cropped out of the photo. Her legs are spread exposing her vagina.

9. During the review of White's phone, I also observed a text message conversation between White and Individual 1. During that conversation, White sent Individual-1 several images that, in my training and experience, are child pornography within the meaning of federal law. Specifically, White sent Individual 1 the following files on or about June 28, 2023, and July 11, 2023:

- a. Image sent on 06/28/2023 09:09:17 PM to Individual 1: depicts a female child (Identified as V-1) on her stomach. The child's vagina is the focal point of the image, which was taken from the end of the bed near her legs.
- b. Image sent on 07/11/2023 12:24:12 PM to Individual 1: A female child approximately 8-12 years old lying in bed. The picture is from the waist down with the child's legs brought up to her chest and has her arms wrapped around her legs. The focal point of the photo is the child's vagina and anus.

10. During interviews of V-1, she provided the following information, in sum, pertinent to probable cause for the requested criminal complaint. V-1 identified herself in the child erotica images sent to the undercover investigator on the social media messaging application described above and in multiple files constituting child pornography found on White's device, including the image depicting V-1's vagina exposed to the camera in a lewd and lascivious fashion, where V-1 estimated her age as between 10 and 11 years old. V-1 also identified Koldis as the person who took that photograph, using Koldis's Samsung cellular telephone, and said that the photograph was taken within a residence located in the Northern District of New York.

11. In my training and experience, I know that Samsung cellular telephones are manufactured outside of the State of New York.

CONCLUSION

12. Based on the information above, there is probable cause to believe that White has violated 18 U.S.C. § 2252A(a)(2)(A) (distribution of child pornography) and (a)(5)(B) (possession of child pornography) and that Koldis has violated 18 U.S.C. § 2251(a) (sexual exploitation of a child).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


SA SRL
Steven Lansing
Special Agent
Homeland Security Investigations

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on August 25, 2023, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Christian F. Hummel
U.S. Magistrate Judge